

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

ITV DIRECT, INC.,	)
Plaintiff,	)
	)
v.	)
	CIVIL ACTION NO. 04-CV-10421-JLT
HEALTHY SOLUTIONS, LLC, et al.,	)
Defendants.	)
	)
RELATED CASES	)
	)

**AFFIDAVIT OF EILEEN BARRETT**

I, Eileen Barrett, under oath declare as follows:

1. I am the former Director of Operations of ITV Direct, Inc. (“ITV”) and was responsible for operation of the company. I am currently an ITV employee. I make this affidavit on the basis of my own personal knowledge of the facts set forth herein and could testify competently thereto if called to do so.

2. On February 11, 2004, an investigator from the United States Food and Drug Administration (“FDA”) arrived at ITV’s offices, and informed us that the FDA was conducting an investigation into “Supreme Greens with MSM” (“Supreme Greens”) concerning the labeling and packaging information and product inserts.

3. As a result of the FDA’s investigation, on February 13, 2004, I sent an email to Greg Geremesz (“Geremesz”) and Alejandro Guerrero (“Guerrero”) to provide written notice to Healthy Solutions that ITV was suspending all future shipments of Supreme Greens and all shipments in transit. ITV also informed Healthy Solutions that it had stopped payment on its check to Healthy Solutions to pay for shipments of Supreme Greens, and that it was suspending

all future invoice payments pending the outcome of the FDA's inquiry. A true and correct copy of my email dated February 13, 2004 is attached hereto as Exhibit A.

4. In connection with the FDA's investigation, on March 12, 2004, I sent an email to Guerrero, Michael Howell ("Howell") and Geremesz, informing them that I had been contacted by the FDA investigator, who requested a copy of the formulation for the Supreme Greens product. I requested that Healthy Solutions forward the formulation information to me so that I could provide it to the FDA. A true and correct copy of my email dated March 12, 2004 is attached hereto as Exhibit B.

5. During this time period, I also participated in a telephone conference, along with Robert Maihos of ITV, Guerrero and representatives of Healthy Solutions. During this conference, we discussed the pending Federal Trade Commission ("FTC") and FDA investigations, due to which ITV was withholding its payments for shipments of Supreme Greens.

Executed this 13<sup>th</sup> day of June, 2005 in Beverly, Massachusetts.

/s/ Eileen Barrett  
Eileen Barrett